

Evelyn Johnson - Petitioner v. UNITED STATES OF AMERICA  
MOTION TO ACQUITT CASE# 18-CR-30031/MJR

For all intent and purpose - 18 USC § 3346 is a pre-trial charge/offense in a misdemeanor case - a minor Criminal case according to the American Court Structure and Rule 58-FRCP; Limiting Ill. trial courts to hear civil cases with limited monetary amounts and minor (misdemeanor) criminal case/offense. 18 USC 3041 and Rule 58 FRCP; 3A-- limit the magistrates to take a plea only if a defendant consents in writing or on record to be tried by a Magistrate (Federal, U.S., Chief) judge.

This was malicious prosecution because the Court and the government knew these charges are false. The ~~pe~~ defendant's person is ~~being~~ being held - arrested without probable cause - forcibly detained or kidnapped if you will, because this Court does not have jurisdiction to try this case a FELONY CRIMINAL case.

It is the courts job to decide questions of law; Pursuant to Rule 57 FRCP and Rule 47-FRAP; - local rules must be consistent with federal statutes and with Acts of Congress - Rule 47 FRAP also say "if imposing a requirement - it must not cause a party to lose rights because of nonwillful failure to comply --".

The "Bail Reform Act" of 1984 and 18 USC 3146-3147 agree these charges are pretrial offenses.  
 18 USC 3142(b) unsecured appearance, in an amount specified by court (\$150,000) SEE "SENTENCING" transcript - Page 38, line 18-21 - - Violation the condition of release: (not commit a federal state or local crime) is 2 years imprisonment and \$150,000, fine, in agreement with 3146 (b)(A)(iii)

The district court attorney state "the defendant is bound by an appearance bond, even though it conflicts with Federal Statutes under Rule 57-FRCP and FRAP Rule 47(a)(2) - by imposing a 5yr term of imprisonment and a \$250,000.00 fine, for a pretrial offense of Failure to Surrender, pursuant to Court order."

A court order must be a written statement if a Judge is to sign it and the clerk is to enter it, per Rule 32(b)(1) FRCP. Also according to "Brief of ~~THE~~ APPELLE in the parent case, page 18 line 14-15 - "the district court incorporated the proposed conditions by ~~refer~~ reference during her oral pronouncement - and written Judgement do not conflict." Page 19 - Line 3-4; "The written waiver is superior to just obtaining an oral waiver."

Dependant's person did not in fact sign an order Judgement, final Judgement, contract or anything else - agreeing to said terms. The district court

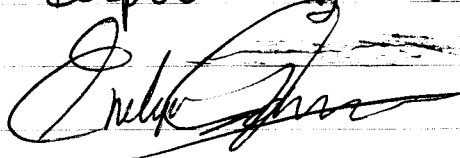
page 20 - line 11 "Sentence Transcript" - Ensured that the appellant signed the waiver of the reading"; so how much more should I be required to sign a copy of the conditions of supervised release and judgement. On page 5 of the commitment orders (parent case - document # 81) "U.S. Probation office use only" - A U.S. Probation officer was to read and explain terms order by court and provide me with a complete copy of this judgement. (7 pages).

Page 1 of Judgement - defendant sentenced to as provided in pages 2-7 of this judgement.

NO Fine - NO penalty for failure to Surrender,  
NO Copy was forwarded to the defendant for a Signature to Validate.

It is for these reasons the Court should Vacate this conviction and release the defendants. Person with haste

Respectfully Submitted



January 1, 2019

## CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the following:

MOTION TO ACQUIT upon the following address by placing same in a sealed envelope bearing sufficient postage for the delivery via United States Mail Service to: CLERK

United States District Court  
750 Missouri Ave  
East St Louis, IL 62201

For proper distribution to all parties of concern which was ~~handed~~ handed to Clinton County Jail officers at 810 Franklin Street, Carlyle, Ill on this day Jan. 1, 2019.

*All Rights Reserved*  
*[Signature]*

Litigation is deemed filed at the time delivered to Jail officers. SEE; HUSTON v LACK 101 L. Ed 2d 245 (1988)

Enclosed: ~~[REDACTED]~~

Evelyn Johnson  
810 Franklun Street  
Carlyle IL 62231

SAINT LOUIS MO 63103  
02 JAN 2019 PM 5:2

FOREVER  
USA

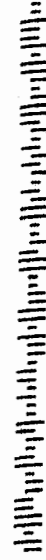


Barn Swallow

CLERK: United States District Court  
750 Missouri Ave  
East St Louis IL  
62201

Inmate Mail  
from Clinton County  
Sheriff Department

62201-295429



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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE